



**February 15, 2022**

**VIA ELECTRONIC MAIL**

The Honorable J. Michelle Childs  
/cc The Honorable Toby J. Heytens  
/cc The Honorable Richard Gergel  
United States District Court  
Matthew J. Perry Courthouse  
Columbia, SC 29201

RE: *Joint Request to Amend Scheduling Order and Reset Trial Dates in*  
*NAACP v. Alexander, 3:21-cv-03302-JMC-TJH-RMG*

Your Honors,

Counsel for the Plaintiffs, the State House Defendants, and State Senate Defendants have conferred and jointly seek the panel's approval of a modification to the current schedule.

First, the Plaintiffs and State House Defendants have been in productive settlement discussions and request a two-week pause on all litigation and discovery activity to attempt to resolve, subject to the panel's approval, Plaintiffs' claims with respect to the state House map. Although the parties will continue to produce written discovery, the agreement would pause all active and future discovery disputes, motion practice and appeals, as well as would toll all deadlines until the end of the agreed-upon settlement negotiation period.

Second, in light of on-going discovery burdens on all sides, as well as the Supreme Court's recent decision in *Merrill v. Milligan*, 21-1086, 2022 WL 354467 (U.S. Feb. 7, 2022), the parties seek the panel's approval for an extension of the discovery and trial schedule beyond the two-week pause for settlement discussions. The parties generally agree that a trial on the state House claims could take place in May 2022, with the trial on the congressional claims in August or later in 2022. The parties are also open to receiving trial dates from the panel or could provide more concrete, joint suggestions after the pause for settlement negotiations.

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Finally, given these developments, the parties seek the panel's guidance on how to best utilize this afternoon's hearing. The parties will appear, but would also be open to resetting the conference for a date beyond the two-week settlement pause. Even if the state House map claims are not resolved by settlement, the parties will continue to confer in good faith during the two-week negotiation window with a goal of resolving, to the greatest extent possible, the remaining discovery disputes.

The parties appreciate the panel's consideration and look forward to its guidance.

Respectfully on behalf of all parties,

  
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Allen Chaney  
ACLU of South Carolina  
P.O. Box 20998  
Charleston, SC 29413  
(843) 282-7953  
achaney@aclusc.org